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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2010-364

REBECCA BULING THRELFALL, A.K.A.
REBECCA BULING DUCKWORTH
9590 Chestnut Street
Spring Valley, CA 91977

ACCUSATION

Registered Nurse License No. 428951
Public Health Nurse Certificate No. 50791

Respondent.

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1988, the Board of Registered Nursing issued Registered Nurse License Number 428951 to Rebecca Buling Threlfall, also known as Rebecca Buling Duckworth (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein. The license expired on November 30, 2009. On or about October 19, 1993, the Board issued Public Health Nurse Certificate No. 50791 to Respondent.

1 The Public Health Nurse certificate was in full force and effect at all times relevant to the charges
2 brought herein. That certificate expired on November 30, 2009.

3 4 JURISDICTION

5 3. This Accusation is brought before the Board of Registered Nursing (Board),
6 Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code unless otherwise indicated.

8 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent
9 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
11 Nursing Practice Act.

12 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a
13 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
14 against the licensee or to render a decision imposing discipline on the license. Under section
15 2811(b) of the Code, the Board may renew an expired license at any time within eight years after
16 the expiration.

17 STATUTORY PROVISIONS

18 6. Section 2761 of the Code states:

19 "The board may take disciplinary action against a certified or licensed nurse or deny an
20 application for a certificate or license for any of the following:

21 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

22 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
23 functions. . . ."

24 7. Section 726 of the Code states:

25 "The commission of any act of sexual abuse, misconduct, or relations with a patient,
26 client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any
27 person licensed under this division, under any initiative act referred to in this division and under
28 Chapter 17 (commencing with Section 9000) of Division 3.

1 "This section shall not apply to sexual contact between a physician and surgeon and his or
2 her spouse or person in an equivalent domestic relationship when that physician and surgeon
3 provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or
4 person in an equivalent domestic relationship."

5 8. Section 2660.1 of the Code states:

6 "A patient, client, or customer of a licentiate under this chapter is conclusively presumed
7 to be incapable of giving free, full, and informed consent to any sexual activity which is a
8 violation of Section 726."

9 REGULATIONS

10 9. California Code of Regulations, title 16, section 1442 provides:

11 "As used in Section 2761 of the code, "gross negligence" includes an extreme departure
12 from the standard of care which, under similar circumstances, would have ordinarily been
13 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
14 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
15 a single situation which the nurse knew, or should have known, could have jeopardized the
16 client's health or life."

17 COST RECOVERY

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request
19 the administrative law judge to direct a licentiate found to have committed a violation or
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
21 and enforcement of the case.

22 FACTS

23 11. In or about March 2008, Respondent was working as a home health care provider
24 for Genesis Home Health Care (GHHC), when patient T.S. contacted GHHC seeking skilled
25 home care following his discharge from Sharp Hospital. Patient T.S., an alcoholic parolee living
26 at a board and care facility, had developed a severe infection to an intravenous site on his left arm
27 following heart surgery. One of the conditions of patient T.S.'s parole program was that he
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1 participate in a drug/alcohol treatment program. Respondent was assigned to administer IV
2 antibiotics and care for the left arm wound.

3 12. On or about April 18, 2008, the owner of GHHC received complaints that
4 Respondent was having a sexual relationship with patient T.S., and patient T.S. had been seen
5 extremely intoxicated on several occasions. The owner of GHHC went to Respondent's home to
6 investigate these complaints, and discovered that patient T.S. was now living with Respondent.
7 Both Respondent and patient T.S. advised the owner of GHHC that they were consenting adults
8 and free to do as they wished.

9 13. On or about June 2, 2009, an investigator for the Board met Respondent at her
10 home to discuss the complaint involving patient T.S. Respondent admitted that she had
11 developed a personal relationship with patient T.S. while caring for him as his home health
12 provider, and that they were now living together in Respondent's home. Respondent also
13 admitted that she and patient T.S. took a trip to Las Vegas shortly before he moved in with her.
14 Their plan was to get married there but he changed his mind once they arrived. Respondent
15 admitted that she took patient T.S. to a doctor's appointment in her car, and that patient T.S. was
16 unable to get out of the car upon return to the board and care facility. Respondent reported to the
17 Board's investigator that she had asked the owner of the board and care facility and another man
18 for assistance in helping her to get patient T.S. into the board and care facility on that occasion.
19 Respondent initially denied that there were bottles of alcoholic beverages inside her car on that
20 occasion and then recanted this with the recollection of seeing one on the floor board. She had
21 no explanation as to how the bottle came to be there. Later that day, she learned that patient T.S.
22 had been taken to the hospital, and when he was released the following day, Respondent moved
23 patient T.S. into her home. Respondent reported to the Board's investigator that Patient T.S.
24 after disclosed his criminal past and alcoholism to her, she realized that she cared for him more
25 as a partner than as a patient. On June 29, 2008, Respondent resigned her position with GHHC.
26 Respondent and patient T.S. continue to live together as a "common-law couple."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct - Sexual Relations with Patient)

3 14. Respondent's registered nurse license is subject to disciplinary action under Code
4 section 2761, subdivision (a), on the grounds of unprofessional conduct in violation of Code
5 section 726 for commission of sexual relations with a patient as set forth in paragraphs 11
6 through 13 which are incorporated here by this reference.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct - Gross Negligence)

9 15. Respondent's registered nurse license is subject to disciplinary action under Code
10 section 2761, subdivision (a), on the grounds of unprofessional conduct for gross negligence
11 within the meaning of California Code of Regulations, title 16, section 1442. The circumstances
12 are set forth in paragraphs 11 through 13 which are incorporated here by this reference.

13 16. Respondent engaged in gross negligence in the following particulars with regard
14 to the care and treatment of patient T.S.:

15 a. Respondent transported an alcoholic patient with an open container of alcohol in
16 her vehicle; and

17 b. Respondent enabled her alcoholic patient to obtain alcohol and consume it while
18 under her direct care and supervision, and therefore jeopardized her patient's health, welfare or
19 life.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License No. 428951 issued to Rebecca
24 Buling Threlfall, a.k.a. Rebecca Buling Duckworth;

25 2. Revoking or suspending Public Health Nurse Certificate No. 50791 issued to
26 Rebecca Buling Threlfall, a.k.a. Rebecca Buling Duckworth;

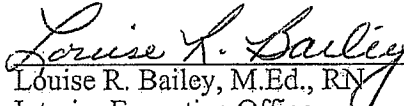
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1 3. Ordering Rebecca Buling Threlfall, a.k.a. Rebecca Buling Duckworth to pay the
2 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
3 case, pursuant to Business and Professions Code section 125.3;

4 4. Taking such other and further action as deemed necessary and proper.

5 DATED: 2/2/10

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7 Louise R. Bailey, M.Ed., RN
8 Interim Executive Officer
9 Board of Registered Nursing
10 Department of Consumer Affairs
11 State of California
12 Complainant
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